



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 19, 2022

Via Email & ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Fredy Renan Najera Montoya, S1 15 Cr. 378 (PGG)

Dear Judge Gardephe:

The Government respectfully writes, following the *Fatico* hearing in the above-captioned matter, to provide certain information as requested by the Court.

First, the Government writes to provide proffer notes of prior statements by CW-1 consistent with CW-1's testimony at the *Fatico* hearing that CW-1 and other members of the Sinaloa Cartel provided the defendant with money for Yani Rosenthal's campaign in the Honduran presidential primary elections. The notes reflect that CW-1 initially discussed that payment with the Government on May 27, 2015, shortly after CW-1's surrender. (*See* 3505-33 at 5).¹ The Government also has identified the following additional proffer notes that reference the same payment to Yani Rosenthal:²

- 3505-42 (dated November 20, 2018)
- 3505-108 (dated January 13, 2022)
- 3505-109 (dated April 4, 2022)
- 3505-119 (dated April 11, 2022)

Second, the Government respectfully submits that the following portions of GX 302-S, a recording of a meeting on or about January 18, 2014 in which the defendant participated and which

¹ As the Government described at the *Fatico* hearing, the handwritten proffer notes for this meeting do not list a date. The Drug Enforcement Administration ("DEA"), however, has confirmed that these notes are saved in the DEA's files as an attachment to a typed DEA-6 memorializing the May 27, 2015 proffer. The typed DEA-6 does not include a reference to this particular payment. *See* 3505-08. The substance of the DEA-6, however, is otherwise generally consistent with the substance of the handwritten notes memorializing the May 27, 2015 proffer.

² The Government respectfully requests that the attached proffer notes be filed under seal.

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is referenced in paragraph 93 of the defendant's pre-sentence investigation report ("PSR"), are particularly relevant to these proceedings:

- 2:30 to 3:30 (*see* transcript (GX 302-T) at 7:6-8:2)
- 6:27 to 8:14 (GX 302-T at 14:1-17:8)
- 12:56 to 13:21 (GX 302-T at 28:1-29:5)
- 14:36 to 17:10 (GX 302-T at 31:7-37:1)
- 19:48 to 20:55 (GX 302-T at 42:8-44:6)

Paragraph 93 of the PSR includes quotes from these portions of the recording in which the defendant discusses with Matta Walduuraga, Congressman Martinez Turcios, Congressman Sabillion, and other drug traffickers their plan to seek favorable treatment and protection from the then-recently elected president of Honduras (Juan Orlando Hernandez), how they were coordinating those efforts with former Congressman Yani Rosenthal, and how they were trying to install Oscar Nájera as the president of the Honduran Congress in order to consolidate their power. *See* Dkt. 156 at 9, 17-18.

Respectfully submitted,

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United States Attorney

By: _____ /s/
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cc: Defense Counsel (Via ECF)